

public to attend a one-day hearing conducted by the Council. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATE AND TIME: Monday, June 7, 1995 from 9:00 p.m. to 5:00 p.m.

ADDRESSES: The hearing will be held at the Ramada Classic, 6815 Manual Blvd. N.E., Albuquerque, New Mexico 87110. Telephone: (505) 881-0000.

FOR FURTHER INFORMATION CONTACT: John W. Cheek, Acting Director, National Advisory Council on Indian Education, 600 Independence Avenue S.W., The Portals Building, Suite 6211, Washington, DC 20202-7556. Telephone: 202/205-8353.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under section 5342 of the Indian Education Act of 1988 (25 U.S.C. 2642). The Council is established to, among other things, assist the Secretary of Education in carrying out responsibilities under the Indian Education Act of 1988 (Part C, Title V, Pub. L. 100-297) and to advise Congress and the Secretary of Education with regard to federal education programs in which Indian children or adults participate or from which they can benefit.

In conjunction with the National Johnson O'Malley Conference scheduled for June 4-8 in Albuquerque, New Mexico, the National Advisory Council on Indian Education is scheduling a one-day hearing for Wednesday, June 7, 1995. The conference and hearing are scheduled to be held at the Ramada Classic Hotel in Albuquerque. NACIE welcomes written and/or oral testimony from the general public, especially Indian community parents relative to concerns about personal involvement in their children's education. NACIE is also interested in parental concerns regarding tribal language programs in schools and parental participation in common or core curriculum subjects. The Council encourages parents' ideas/comments on what is working and what is not in their child's educational setting. In order to facilitate additional comments, the Council will be soliciting hearing data from individuals for two additional weeks beyond the June 7 meeting day. Written testimony may be sent to: NACIE, 600 Independence Ave. S.W., The Portals, Suite 6211, Washington, DC 20202-7556. Findings from the hearing will provide the basis for future consideration in annual reports to Congress and on-going Council business. Testimony may also be faxed to the NACIE office at (202)

205-9446 any time from the date of publication of this document to June 23, 1995.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Indian Education located at 1250 Maryland Avenue S.W., The Portals Building, Suite 6211, Washington, DC 20202-7556 from the hours of 9:00 a.m. to 4:30 p.m. Monday through Friday.

Dated: May 22, 1995.

John W. Cheek,

Acting Director, National Advisory Council on Indian Education.

[FR Doc. 95-13296 Filed 5-31-95; 8:45 am]

BILLING CODE 4000-01-M

[CFDA Number: 84.267]

State Postsecondary Review Program; Notice Extending the Period During Which a State Postsecondary Review Entity (SPRE) may be Reimbursed for Allowable Costs Under the State Postsecondary Review Program (SPRP)

EXTENSION OF FUNDING PERIOD FOR SPRE ACTIVITY: On July 12, 1994, the "Notice of closing date for receipt of State applications for fiscal year 1994" was published in the **Federal Register**. That notice established June 30, 1995 as the date by which the Secretary will no longer reimburse a State for direct and indirect costs under an approved plan and budget. The purpose of this notice is to extend the period during which a State Postsecondary Review Entity may be reimbursed for allowable costs under the State Postsecondary Review Program from June 30, 1995 to September 30, 1995. This action is taken so that States may continue to be reimbursed by the Secretary for current fiscal year costs incurred in carrying out allowable activities under the SPRP in consideration of a possible reduction in program funding for fiscal year 1995.

FOR FURTHER INFORMATION CONTACT: Rachael A. Shultz, State Liaison Branch, Office of Postsecondary Education, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3915, ROB-3, Washington, D.C. 20202-5244. Telephone: (202) 708-7417. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Program Authority: 20 U.S.C. 1099a-1099a-3.

Dated: May 26, 1995.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 95-13408 Filed 5-31-95; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of Arbitration Panel Decision Under the Randolph-Sheppard Act.

SUMMARY: Notice is hereby given that on October 21, 1992, an arbitration panel rendered a decision in the matter of *District of Columbia Department of Human Services v. General Services Administration (Docket No. R-S/91-9)*. This panel was convened by the Secretary of Education pursuant to 20 U.S.C. 107d-1(b). The Randolph-Sheppard Act (the Act) provides a priority for blind vendors to operate vending facilities on Federal property. Under this section of the Act, the State licensing agency (SLA) may file a complaint with the Secretary if the SLA determines that an agency managing or controlling Federal property fails to comply with the Act or regulations implementing the Act. The Secretary then is required to convene an arbitration panel to resolve the dispute. **FOR FURTHER INFORMATION CONTACT:** A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnaw, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3230, Mary E. Switzer Building, Washington, DC 20202-2738. Telephone: (202) 205-9317. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-8298.

SUPPLEMENTARY INFORMATION: Pursuant to the Randolph-Sheppard Act (20 U.S.C. 107d-2(c)), the Secretary publishes a synopsis of arbitration panel decisions affecting the administration of vending facilities on Federal and other property.

Background

On August 29, 1986, the District of Columbia Rehabilitation Services Administration (DCRSA), the SLA, and the General Services Administration (GSA) entered into an interim agreement by which a permit was granted to DCRSA by GSA to operate a cafeteria in the GSA Regional Office Building (ROB) at 7th and D Streets, S.W., Washington, DC. The cafeteria opened for business

on September 2, 1986, and was assigned a blind vendor.

In mid-March 1989, GSA verbally notified the chief of DCRSA's Randolph-Sheppard Vending Facility program that, at an unspecified time in the future, GSA would be making structural repairs to the ROB cafeteria.

Subsequently, in a letter dated August 1, 1990, GSA notified DCRSA that the repairs would begin on September 1, 1990, and that the cafeteria would be closed for approximately four months. The letter further indicated that during the renovations the fourth floor snack bar in the building would be used as a temporary facility for the blind vendor. GSA also alerted DCRSA that the new renovated cafeteria would have an upgraded menu, design changes, and increased service levels.

By letter dated August 14, 1990, DCRSA made various requests concerning the renovation and the new cafeteria. Specifically, DCRSA requested a walk-through of the temporary site, a proposed menu, an opportunity to review the design for the new cafeteria, a market-based survey, and a subsidy from GSA to offset the hardship of the vendor's employees during the renovation.

Responding by letter of August 23, 1990, GSA informed DCRSA that it would arrange for a walk-through of the temporary site and would waive payment from DCRSA of the one and one-half percent franchise fee during the renovation period. GSA also offered to meet with DCRSA to discuss any of DCRSA's concerns. The renovation project was delayed as the result of design errors and the discovery of asbestos.

On January 29, 1991, GSA met with DCRSA representatives to discuss the renovation completion and the operation of the new cafeteria. At that time, GSA formally requested by letter dated January 29 that DCRSA submit an operating plan for the new cafeteria. GSA's request for the plan contained 13 specific items of information.

DCRSA submitted its proposal on March 8, 1991. By letter dated March 28, 1991, GSA rejected DCRSA's proposal as being deficient in each of the 13 areas listed in its earlier request. GSA offered to meet with DCRSA to discuss the proposal. However, DCRSA declined this offer and, instead, asked for and received a written critique. On April 10, 1991, DCRSA submitted a revised proposal. By letter dated April 19, 1991, GSA again rejected DCRSA's proposal, and again DCRSA declined GSA's offer to meet to discuss the proposal.

Subsequently, by letter dated April 26, 1991, GSA informed DCRSA that it had chosen another contractor to operate the cafeteria and that DCRSA would have to close its operation by May 3, 1991.

On May 3, 1991, the DCRSA's blind vendor filed a complaint with the United States District Court for the District of Columbia against officials of GSA seeking a temporary restraining order, a preliminary injunction, compensatory damages, and attorney's fees.

The court issued a temporary restraining order effective through May 9, 1991, prohibiting GSA from terminating DCRSA's permit. GSA agreed not to terminate the permit until after the preliminary injunction hearing.

On May 14th, DCRSA filed a complaint for arbitration with the Secretary of Education. The preliminary injunction hearing was held on May 28, at which time GSA agreed to terminate its contract with the other vendor and conduct a full and open competition pursuant to 34 CFR 395.33(b). The court denied the preliminary injunction without prejudice on May 28 and ordered the parties to pursue arbitration under the Randolph-Sheppard Act, as amended.

The vendor continued to operate the fourth floor snack bar, while GSA advertised for bids to operate the fifth floor cafeteria. On June 7, 1991, GSA issued a Request for Proposal (RFP) for the operation of the cafeteria. GSA held a pre-bid proposal conference for offerors on June 13. The solicitation closed on July 8, 1991. DCRSA responded to the RFP. The maximum number of points to be earned was 1,000 for rating each applicant's proposal. The competitive range was set at 900 points or better. DCRSA received a point value of 691, which did not fall within the competitive range.

On October 1, 1991, GSA awarded the cafeteria contract to another contractor, effective October 15. On October 2, GSA requested that DCRSA close the fourth floor snack bar and vacate the fifth floor kitchen by October 11, 1991. Shortly thereafter, DCRSA and the vendor filed with the United States District Court for the District of Columbia a motion for a preliminary injunction, which was denied on October 21, 1991. On October 24, 1991, the denial of emergency relief was upheld by the United States Court of Appeals for the District of Columbia. Consequently, DCRSA vacated the fourth and fifth floor facilities on October 25, and the other contractor opened the renovated cafeteria on October 28, 1991.

An arbitration hearing was held on March 17 and 18, 1992, pursuant to section 107d-2.

Arbitration Panel Decision

The arbitration panel in a majority opinion found that GSA fully complied with the Act in its negotiations with DCRSA regarding the renovations of the cafeteria. The panel further found that, after issuing an RFP on June 7, 1991, GSA fully complied with the Act in the manner in which it conducted its solicitation of bids for the cafeteria. However, the panel ruled that GSA exceeded its authority by awarding the contract to GSI, a private contractor, prior to the RFP seeking open bids, thereby resulting in DCRSA's motion in United States District Court to compel GSA to comply with 34 CFR 395.33(b) by publishing an RFP.

In determining a remedy, the panel instructed GSA to pay DCRSA's and the vendor's reasonable attorneys' fees, which they expended in seeking relief in court. The parties were instructed to agree upon the amount of the attorneys' fees within 30 days of the award, with the actual reimbursement to take place within 90 days of the panel's award.

All other relief sought by the vendor was denied. The panel retained jurisdiction over the case for 120 days following the panel's award in order to resolve any remaining disputes over the amount of attorneys' fees to be paid.

One panel member dissented.

On May 6, 1994, the panel made its final award of attorneys' fees to DCRSA in the amount of \$967.89 and to the vendor in the amount of \$14,800.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the United States Department of Education.

Dated: May 26, 1995.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 95-13407 Filed 5-31-95; 8:45 am]

BILLING CODE 4000-01-P

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of Arbitration Panel decision under the Randolph-Sheppard Act.

SUMMARY: Notice is hereby given that on June 16, 1993, an arbitration panel rendered a decision in the matter of *Joseph A. Roan and Kenneth White v. Massachusetts Commission for the Blind*, (Docket No. R-S/92-12). This panel was convened by the Secretary of